



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, SEPTEMBER 25, 2018 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following communications from the Chair: -

**a) Historic Sitting of the Senate in Uasin Gishu County Assembly, held on September 24<sup>th</sup> -28<sup>th</sup>, 2018 In Eldoret**

“Honourable Senators,

I welcome you all to Uasin Gishu County for this auspicious sitting of The Senate. I also want to thank the leadership of Uasin Gishu County Government, both the Executive and the Assembly, led by His Excellency, Governor Jackson Mandago and the Assembly Speaker, Rt. Hon. David Kiplagat for the warm welcome since our arrival and for facilitating these sittings.

I wish to convey our deep appreciation to the Leadership and Members of the County Assembly for hosting us and for accepting to adjourn their sittings to allow the Senate to use your Chambers for this first-ever Sitting of the Senate outside the capital city.

The 3<sup>rd</sup> Senate of the Republic of Kenya and the Uasin Gishu County are jointly making history which will remain engrained in the annals of Kenya's parliamentary history.

Our sincere gratitude also goes to the great people of Uasin Gishu County “*the home of champions*” for the friendly welcome and the hospitality extended to us. I also thank the leadership of neighbouring Counties for embracing this noble idea and joining us for this auspicious sitting.

Honourable Senators,

One of the most fundamental provisions of the 2010 Constitution is the devolved system of government which aims at bringing services closer to the people as a means of accelerating development and enhancing the collective responsibility. A core creation of this Constitution is the Senate whose main function is, inter-alia, to represent the counties, and serve to protect the interests of the counties and their governments.

In recognition of the above and in an effort to institute steps towards its actualization, the Senate Business Committee on 13<sup>th</sup> March, 2018 resolved that a sitting of the Senate be held away from its traditional premises in Nairobi, in Uasin Gishu County in September, 2018 as an innovative way of enhancing interaction between the national and county levels of government.

These inaugural Senate sittings constitute one of the noble and innovative ways of enhancing interactions between the National and County Governments which are distinct and interdependent. In this manner, we bring The Senate closer to the people both symbolically and functionally.

Specifically, these unique sittings are expected to among other things –

- i) hold public hearings on key legislative proposals;
- ii) promote the work and role of the Senate, and to highlight existing opportunities for people to get involved to achieve greater public engagement;
- iii) give an opportunity to County Assembly Members and staff to learn and borrow practices from the Senate; and to
- iv) develop and strengthen partnerships at the county level by creating interest among the public regarding the business of the Senate.

Honourable Senators,

Today, we create a new path in the democratic governance of our country; by setting in motion a Senate program which shall henceforth be replicated in other counties and regions. Through these sittings, the Members of this third (3<sup>rd</sup>) Senate will be involved in a critical process of re-defining the work systems and ethics of the Senate.

This inaugural Senate sitting in Uasin Gishu County and the subsequent ones to be held outside Nairobi, will serve to open up the scope for the Senate to operate amidst the people, beyond our country's capital. Let us face it, the Senate is all about our people and their needs.

It is imperative to mention that, already the national Executive has adopted the healthy and commendable practice of holding celebrations for national public days in various counties and regions of our country. This outreach endeavour rhymes with the evolving practice of the Senate.

Honourable Senators,

Through this “*Senate Mashinani*” initiative, the Senate is making its contribution towards nurturing a larger and more inclusive parameters in the management of public affairs in our country.

In the next 4 days, various legislative activities that have been lined up including Plenary, Committees’ meetings and public participation fora, which are a key pillar of our Constitution; will accord the public a special opportunity to actively engage and participate in the Senate legislative business.

This unprecedented Senate sitting therefore provides a unique opportunity for us to engage, harness all our diverse efforts drawn from various parts of Kenya to make our country better; let us engage in open conversations on what needs to be done to achieve prosperity even as we strengthen our institutions of governance.

Going forward, the Senate will seek to draw valuable lessons to further enrich and improve subsequent sittings because we believe that County Assemblies can complement good legislative practices and hold the potential of directly identifying and addressing the people’s tribulations, revitalizing hopes and aspirations, as well as deepening a democratic, consultative and participatory governance tradition. I dare add that the County Assemblies are at the core of improving governance in our Country.

In conclusion, I want to urge all of us to always remember that, we cannot have Counties without the Senate. Conversely, we cannot have a Senate without the Counties. Ours is a symbiotic relationship, one which requires mutual learning, experience sharing and leadership for it to grow and thrive.

I thank you.”

**b) Acknowledgement of invited dignitaries to the Senate Sitting in Uasin Gishu County**

“Honourable Senators,

I wish to acknowledge the presence, in the Speaker’s Gallery this afternoon, of invited dignitaries who have joined us for this auspicious occasion of the inaugural sitting of the Senate outside Nairobi, in Uasin Gishu County. I invited the dignitaries in recognition of their key role and partnership with the Senate on devolution.

I request each one of them to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

- 1) H.E. Jackson Mandago - Governor of Uasin Gishu County
- 2) H.E. Alex Tolgos - Governor of Elgeyo Marakwet County
- 3) H.E. Stephen Sang - Governor of Nandi County

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| 4) Hon. David Kiplagat      | - Speaker, Uasin Gishu County Assembly   |
| 5) Hon. Johnson Osoi        | - Speaker, Kajiado County Assembly and<br>Chairperson, County Assemblies Forum (CAF) |
| 6) Hon. Beatrice Elachi     | - Speaker, Nairobi City County Assembly  |
| 7) Hon. Philemon Sabulei    | - Speaker, Elgeyo Marakwet County Assembly   |
| 8) Hon. Catherine Mukenyang | - Speaker, West Pokot County Assembly  |
| 9) Hon. Joshua Kiptoo       | - Speaker, Nandi County Assembly   |
| 10) Hon. David Kiplagat     | - Speaker, Baringo County Assembly   |
| 11) Hon. Joshua Werunga     | - Speaker, Trans Nzoia County Assembly   |
| 12) Hon. Hoseah Kibet Korir | - Deputy Speaker, Uasin Gishu County<br>Assembly                                     |
| 13) Hon. Josphat Lodeya     | - Majority Leader, Uasin Gishu County<br>Assembly                                    |
| 14) Mr. S. K. Choge         | - Clerk, Uasin Gishu County Assembly   |
| 15) Ms. Jane Mutai          | - Clerk, Elgeyo Marakwet County Assembly   |
| 16) Ms. Isabela Jebet       | - Clerk, Nandi County Assembly   |
| 17) Mr. Joseph Koech        | - Clerk, Baringo County Assembly   |
| 18) Mr. Ainea Indakwa       | - Clerk, Trans Nzoia County Assembly   |
| 19) Mr. Patrick Wafula      | - Clerk, Kakamega County Assembly  |
| 20) Ms. Waceke Wachira      | - Country Representative, AHADI  |
| 21) Ms. Maureen Oduori      | - Country Representative, Westminster<br>Foundation for Democracy (WFD)              |

On behalf of the Senate and on my own behalf, I wish to thank our guests for honouring our invitation, and joining us on this auspicious occasion.

I thank you.”

#### 4. **PETITION**

Pursuant to Standing Order 226 (1) (b) and 230 (a) the Senator for Nandi County (Sen. Samson Cherarkey) presented to the Senate a Petition on behalf of residents of Tinderet sub-county in Nandi County regarding the operations of Karebe Gold Mining Limited.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Labour and Social Welfare for its consideration, pursuant to Standing Order 232 (1).

#### 5. **NOTICE OF MOTION - COMMENDING ELIUD KIPCHOGE FOR BREAKING THE WORLD MARATHON RECORD**

(The Senate Majority Leader)

**COGNIZANT THAT** Eliud Kipchoge broke the world marathon record held by a fellow Kenyan athlete Dennis Kimetto during the 2018 Berlin Marathon held on Sunday, 16<sup>th</sup> September, 2018;

**AWARE THAT** Kenya has earned international respect in athletics over the years courtesy of such hard work and stellar performance by our athletes in both

on and off the field events which has brought us together as a country and encouraged cohesion in line with our National Anthem;

**FURTHER AWARE THAT** athletics has created significant economic opportunities and infrastructure in the Rift Valley creating thousands of jobs for many would be jobless youth, thus engaging them in a productive and meaningful manner for purposes of nation building;

**FURTHER AWARE THAT** the youth are a critical component of the Big 4 agenda by the government and that development of athletics will lead to more productivity by a significant population of the youth who constitute a formidable part of the demographic structure of the country;

**COGNIZANT THAT** more support from the government is needed to fight the doping menace that has bedevilled our athletes and to encourage and motivate young and upcoming athletes to strive for excellence untainted by the vice;

**NOTING THAT** performances by our sportsmen and women are indeed commendable and deserve special recognition, the Senate now commends Mr. Eliud Kipchoge for his excellent performance in the Marathon and specifically for breaking the world marathon record and urges the national government to-

- a) Set aside additional funds to improve sports facilities;
- b) Establish a conducive environment in the country by giving incentives to investors in the sports sector;
- c) Provide psychosocial support to active and former athletes including a pension scheme; and
- d) Create a fund to cushion athletes who are forced to early retirement due to illness, injury or other circumstances.

6. **STATEMENT PURSUANT TO STANDING ORDER NO. 48 (1)**

Nominated Senator (Sen. Naomi Shiyonga, MP) sought a statement from the Standing Committee on Finance and Budget, on behalf of Nominated Senator (Sen. Beatrice Kwamboka, MP), regarding the implementation status of the Commission on Revenue Allocation Circular Reference CRA/FA/01vol 11 (22) on County Government Recurrent Expenditure Ceilings for Financial year 2018/19.

The Chairperson of the Standing Committee on Finance and Budget issued a response, in which he informed the Senate that, during passage of the County Allocation of Revenue Act (2018), the county governments budget ceilings on recurrent expenditure was enhanced from Kshs.28.8 billion to Kshs.31 billion.

This increase was informed by a number of factors, among them, the computation of operation costs based on inflation and not the increase in equitable share of revenue, the factoring in of plenary sitting allowances for Members of County Assembly, and the computation of staff salaries based on actual numbers as opposed to optimal staffing levels.

Sen. Shiyonga informed the House that the Chairperson had not responded to the statement sought, which was with regard to differential treatment of Nominated Members of County Assembly vis-à-vis their elected counterparts, in facilitation to perform their duties.

Whereupon, the Deputy Speaker directed that the Standing Committee on Finance and Budget do proceed to consider the request for statement in the manner provided for under the revised Standing Orders.

7. **THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO 25 OF 2018)**

(Sen. George Khaniri, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on National Security, Defence and Foreign Relations.

8. **THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO 26 OF 2018)**

(Chairperson, Standing Committee on Education)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Education.

9. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO 27 OF 2018)**

(Sen. Abshiro Halake, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

10. **THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed-

**That**, the Petroleum Bill (National Assembly Bills No. 48 Of 2017) be now read a Second Time.

*(The Senate Majority Leader)*

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. (Prof.) Margaret Kamar) adjourned the Senate without Question put, pursuant to the Standing Orders.

11. **SENATE ROSE** – at thirty minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Wednesday, September 26, 2018 at 2.30 p.m.  
at the Uasin Gishu County Assembly Chamber.*

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